

Message

From: Pollins, Mark [Pollins.Mark@epa.gov]
Sent: 6/3/2020 1:49:05 PM
To: Kelley, Rosemarie [Kelley.Rosemarie@epa.gov]
CC: Koslow, Karin [Koslow.Karin@epa.gov]; King, Carol [King.Carol@epa.gov]; Theis, Joseph [Theis.Joseph@epa.gov]; Wilson, Dane [Wilson.Dane@epa.gov]; Rausch, Heidi [Rausch.Heidi@epa.gov]; Baptista, Chrisna [Baptista.Chrisna@epa.gov]
Subject: FW: Lower Umatilla Basin -- PROPOSED RESPONSE TO SUSAN & LARRY
Attachments: RE: Awareness Briefing for Dave Ross on the Lower Umatilla Basin Groundwater Management Area ; RE: Awareness Briefing for Dave Ross on the Lower Umatilla Basin Groundwater Management Area

Importance: High

Rosemarie, I've reviewed with Carol and the team and the email looks good.

Mark Pollins, Director
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Office of Civil Enforcement
Office of Enforcement and Compliance Assurance (OECA)
U.S. Environmental Protection Agency
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From: King, Carol <King.Carol@epa.gov>
Sent: Wednesday, June 03, 2020 9:08 AM
To: Pollins, Mark <Pollins.Mark@epa.gov>
Subject: FW: Lower Umatilla Basin -- PROPOSED RESPONSE TO SUSAN & LARRY
Importance: High

Did you also want to re-attach the January petition and the 2019 Armenia MOU so all in one place?

From: King, Carol
Sent: Wednesday, June 03, 2020 1:59 AM
To: Pollins, Mark <Pollins.Mark@epa.gov>; Joseph Theis <Theis.Joseph@epa.gov>
Cc: Rausch, Heidi <Rausch.Heidi@epa.gov>; Wilson, Dane <Wilson.Dane@epa.gov>; Baptista, Chrisna <Baptista.Chrisna@epa.gov>
Subject: Lower Umatilla Basin -- PROPOSED RESPONSE TO SUSAN & LARRY
Importance: High

Mark and Joe,

As a follow-up to our WED General with Rosemarie on 6/2, below is a proposed response to Susan's 6/1 email and Larry's 6/1 email (both attached for ease of reference). Once you've reviewed, will you please send it to Rosemarie and Karin to review and copy me? We need to send the response to Susan and Larry on 6/3 because the Ross/Bodine briefing is on 6/4. Region 10 will lead that informational briefing.

Thanks,
Carol

Susan and Larry,

Region 10 is still assessing information in the Lower Umatilla Basin matter and has not made any decisions yet about how to respond to the January 2020 SDWA section 1431 petition. When it moves to the next step of developing potential responses for management's review, our understanding is that all options will be on the table, including memorandums of understanding with the dairies and growers. WED has noted the Region 5 Armenia Growers Coalition MOU as an example of how another region recently responded to a petition asking EPA to invoke its SDWA section 1431 authority to address nitrate contamination.

As Region 10 said during the May 28 OCE Weekly, the roughly 1,500-page petition in the Lower Umatilla case is voluminous and has taken time to assess. During the upcoming June 4 informational briefing for Headquarters, Region 10 plans to explain further how several state agencies in Oregon have been working over the past three decades to address the regional groundwater contamination since it was first identified back in the early 1990s. There have been several voluntary agreements, including the Lower Umatilla Basin Groundwater Management Area Action Plans. The state's efforts to date appear to have addressed exceedances in the public water systems. But Region 10 has indicated there are some blind spots with respect to private wells and that's a reason it's asking Oregon for additional data in its proposed letter to ODA, ODEQ and OHA. On a call this week, Region 10 noted that Oregon is expecting the letter soon.

So far, there appear to be similarities but also differences between the Armenia Growers and the Lower Umatilla matters. As you know, the Armenia Growers situation

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We will provide you with more detailed updates as Region 10 gathers additional information and continues discussions with Oregon.

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